

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIVIAN HILL,

Plaintiff,

-against-

NYC DEPT. OF HEALTH & MENTAL
HYGIENE; MENTAL HYGIENE LEGAL
SERVICES,

Defendants.

22-CV-7203 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated October 17, 2022, the Court directed Plaintiff to file an amended complaint within sixty days. That order specified that failure to comply would result in dismissal of the complaint. On February 9, 2023, Plaintiff filed a notice of interlocutory appeal, which the United States Court of Appeals for the Second Circuit dismissed because it lacked jurisdiction over the appeal, as a final order had not issued. *See Hill v. NYC Dep't of Health & Mental Hygiene*, No. 23-182 (2d Cir., mandate issued, July 13, 2023).

As Plaintiff has not filed an amended complaint, the Court dismisses the complaint, filed *in forma pauperis* (“IFP”) under 28 U.S.C. § 1915(a)(1), under 28 U.S.C. § 1915(e)(2)(B)(ii)-(iii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: August 8, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge